

NOV 14 2019

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DEPARTMENT OF EDUCATION

Dr. Jennifer McCormick  
Superintendent of Public Instruction

*Working Together for Student Success*

## IC 4-2-6-11

### Post-employment waiver

As the Appointing Authority of the Indiana Department of Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Sarah Larrison in her post-employment with Indiana IEP Resource Center

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.

IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

A previous informal advisory opinion determined that a question remained as to whether the work Ms. Larrison did on the contract between IDOE and Indiana IEP Resource Center would rise to the level "personal and substantial participation" such that a waiver would be necessary. To that end, we are pursuing such a waiver.

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Ms. Larrison's prior job duties did not involve substantial decision-making authority over policies, rules, or contracts. Ms. Larrison's working relationship with Indiana IEP Resource Center involved supporting projects and initiatives already decided upon by the director of the Office of Special Education and the Director of the IEP Resource Center. Ms. Larrison was not involved in making any discretionary decisions about budgets or deliverables related to the resource center's contract or budget.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Ms. Larrions will be an education consultant for the Indiana IEP Resource Center. She will help to support districts around the state with IEPs and systems in which to support improved outcomes. She will be using her experiences as a former special education teacher to support the improvements of programs that are improving outcomes and access for students with disabilities.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

In her current position, Ms. Larrison does have direct contact with three districts based upon the work of the three districts participating in the State Systemic Improvement Plan (SSIP). This work does directly involve contact with personnel in the IEP Resource Center that she will not be working directly with any of those three districts for the first year of employment. Those districts are: School city of Hammond, Garrett-Keyser Butler, and Gary Lighthouse Charter School.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

At the state level, the goal is to provide equitable access for each and every student in the state of Indiana. There are many initiatives coming out of IDOE that are helping to support this goal and the Indiana IEP Resource Center helps to support some of those initiatives in order to reach more administrators, educators, and students across the state. The Indiana IEP Resource Center works diligently to support students with disabilities and educators throughout the state of Indiana. They provide catalog trainings as well as individualized and continued support to districts free of cost in order to ensure that all educators and families have access to and understand the knowledge and resources needed to appropriately support students with disabilities and their general education peers. The Indiana IEP Resource Center also supports all districts regarding the needs around the Indiana IEP system. They help with troubleshooting and are available for questions from educators and administrators to ensure that the system is being utilized to its fullest capacity to create quality Individualized Education Plans (IEPs) to support students with disabilities. There are also proactive trainings provided for special education teachers and administrators on how to use the system, write age-appropriate goals, and include specially designed instruction metrics within the IEP. Working for the Indiana IEP Resource Center would allow Ms. Larrison to support LEAs in their efforts to create systems and programs that will ultimately improve student outcomes and prepare educators to meet the diverse needs of all learners, which is the mission of the Office of Special Education and ultimately IDOE as a whole.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Absent this waiver, Ms. Larrison wouldn't be able to work with the Indiana IEP Resource Center and would find it extremely limiting in pursuing work with any other organization as her work experience falls within the field of supporting students and educators within the special education realm. In order to leverage her expertise and experiences as a special education teacher and Special Education Specialist in the Office of Special Education, any prospective employer would necessitate a waiver. Ultimately, without it, Ms. Larrison is unable to share and take advantage of the skills she has honed and developed over the last ten years as an educator.

### C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.

  
Dr. Jennifer McCormick

State Superintendent of Public Instruction

11.4.19  
Date

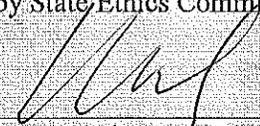
2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).

  
Andrew Bernlohr  
IDOE General Counsel, Ethics Officer

11/9/19  
Date

D. Approval by State Ethics Commission

<b>FOR OFFICE USE ONLY</b>	
Approved by State Ethics Commission	
 Katherine Noel, Chair, State Ethics Commission	<u>11-14-19</u> Date

Mail to:  
Office of Inspector General  
315 West Ohio Street, Room 104  
Indianapolis, IN 46202  
OR  
Email scanned copy to: [info@ig.in.gov](mailto:info@ig.in.gov)

*Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.*



DEPARTMENT OF EDUCATION

Dr. Jennifer McCormick  
Superintendent of Public Instruction

*Working Together for Student Success*

November 8, 2019

Katherine Noel, Chairman  
Indiana State Ethics Commission  
315 W Ohio Street, Room 104  
Indianapolis, IN 46202

Subject: Waiver of post-employment restriction for Sarah Larrison

Dear Ms. Noel,

As the Superintendent of Public Instruction, I am writing to you to express my support and approval of the Indiana Department of Education's (IDOE) waiver of post-employment restrictions for Sarah Larrison's proposed employment with the Indiana IEP Resource Center.

I regret that I am unable to appear in person to present the waiver. Unfortunately, I have scheduling conflicts involving previously scheduled meetings and travel. When I became aware of the scheduling conflicts, I asked IDOE's General Counsel, Andrew Bernlohr, to attend the Commission meeting on my behalf. I understand that I.C. 4-2-6-11(g) requires the state officer appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the November 14 meeting.

I fully support and approve this waiver as Ms. Larrison's future employment will provide a significant benefit to Hoosier children.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Dr. Jennifer McCormick".

Dr. Jennifer McCormick  
Superintendent of Public Instruction

Cc: Indiana Office of Inspector General

